

APPLICANT'S REMARKS

1. Status of the Claims

Claims 1–13 and 19 are pending. Claims 1–4 and 11 are currently amended. Claims 14–18 are canceled.

2. Rejection of the Claims under 35 U.S.C. 102(e) based on GIELEN

The claims are rejected under 35 U.S.C. 102(e) based on PCT International Application Publication No. WO 2004/024700 (GIELEN '700).

In particular, the Applicant gratefully acknowledges the Examiner's comments regarding Example 30 of GIELEN '700, and has amended the claims accordingly.

In light of the foregoing amendments to the claims, the Applicant respectfully submits that GIELEN '700 does not disclose or suggest the presently claimed definition of R⁴.

The Applicant respectfully requests that the §102(e) rejection of the claims based on GIELEN '700 be reconsidered and withdrawn.

3. Provisional Double Patenting Rejection

The Applicant acknowledges the provisional rejection on the ground of non-statutory double-patenting based on U.S. Pat. App. Nos. 10/590,786 and 10/527,391. The Applicant respectfully requests that the provisional double patenting rejection be held in abeyance until such time as

one of the cited applications issues as a patent or this application is otherwise in condition for allowance except for the provisional double patenting rejection.

4. Conclusion

The Applicant respectfully requests favorable consideration of this Amendment.

Respectfully submitted,

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